

REMARKS

In the Office Action of April 1, 2009, the Examiner rejected claims 1, 6, 9, 11-13, 17, 25, and 30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,913,039 to Nakamura et al. ("Nakamura") in view of U.S. Patent No. 5,465,392 to Baptist et al. ("Baptist"); rejected claims 3, 4, 15, 27, and 28 under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakamura and Baptist, in view of U.S. Patent No. 5,493,695 to Aitkenhead et al. ("Aitkenhead"); and rejected claims 5, 7, 8, 14, 29, 31, and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakamura and Baptist in view of U.S. Patent No. 6,553,178 to Abecassis.

Claims 1, 3-9, 11-15, 17, 25, and 27-32 remain pending in this application. Applicant respectfully traverses the claim rejections for at least the reasons discussed below.

Claim 1 recites an information distribution system for transmitting a contents information file from a server apparatus to a terminal apparatus. The system comprises a server apparatus comprising, among other things, a first transceiver for receiving a request signal from the terminal apparatus and a first controller. The system further comprises a terminal apparatus comprising, among other things, a counter for measuring time, a power supply, and a second controller.

As recited in claim 1, the second controller included in the terminal apparatus is for "generating [a] request signal for requesting the distribution of the contents information file," wherein the request signal "comprises time limit information indicating a deadline for the distribution of the contents information file." Further, the first controller in the server apparatus is for at least "scheduling a distribution time period in

which the requested contents information file is distributed over a communication line in accordance with the request signal and based on a state of the communication line." and "controlling the transmission of information about the distribution time period to the terminal apparatus," such that the first controller "schedules the distribution time period based on the deadline for the distribution and the state of the communication line." (Emphasis added.) The second controller is further for "controlling the supply of power by the power supply based on the information about the distribution time period, and controlling the reception of the contents information file distributed by the server apparatus in the distribution time period scheduled by the server apparatus." (Emphasis added.) Neither Nakamura nor Baptist, either alone or in any proper combination, disclose these features.

The Examiner contends that column 10, line 64 - column 11, line 1, and column 12, lines. 54-65 of Nakamura disclose a first controller for "scheduling a distribution time period in which the requested contents information file is distributed over a communication line in accordance with the request signal and based on a state of the communication line." Office Action at 3-4. Applicant respectfully disagrees. These cited portions state:

server control unit 523 converts the reproduction schedule table to the transmission schedule table for each client, stores it in job schedule storage unit 524, and sets a timer for each client which requests transmission of the data stream in alarm interrupt unit 525

Server I/O interface unit 521 stores the reproduction schedule table and the client name in input queue buffer unit 522 (Step 910).

Server control unit 523 reads the reproduction schedule table and the client name stored in input queue buffer unit 522, converts the reproduction schedule table to transfer schedule table. After that, server control unit 523 stores them in job schedule storage unit 524. Server control unit 523 does so for each client (Step 912). Server control unit 523 posts the first transmission video

name of the transmission schedule table, its transmission start point and transmission end point, and the client name to data stream output unit 527 (Step 914).

Thus, neither this portion nor another other portion of Nakamura discloses scheduling a distribution time period for distributing a file over a communication line in response to a request signal indicating a deadline for distribution “in accordance with the request signal **and based on a state of the communication line**,” as recited in claim 1. Notably, Nakamura does not base any of its distribution of information on the state of communication line. Baptist fails to cure this deficiency of Nakamura.

Therefore, for at least this reason alone, the combination of Nakamura and Baptist fails to disclose or render obvious the system recited in claim 1.

Furthermore, as discussed above, claim 1 further recites, “controlling the supply of power by the power supply based on the information about the distribution time period.” That is, claim 1 recites controlling the supply of power by the power supply based on information about the distribution time period scheduled “in accordance with the request signal and based on a state of the communication line.” As such, the system of claim 1 bases the supply of power to a power supply at a terminal apparatus on at least a deadline indicated from a request from the terminal apparatus, a state of the communication line over which the contents information file is distributed, and a time period scheduled by the server apparatus.

Neither Nakamura nor Baptist, either alone or in combination, discloses or suggests such a system. As described above, neither Nakamura nor Baptist discloses basing information distribution or power to a power supply on a state of a communication line. In addition, the Examiner concedes, and Applicant agrees, that

Nakamura fails to disclose the feature of controlling the supply of power to a power supply based on the information about the distribution time period, as recited in claim 1. See Office Action at 5. The Examiner contends, however, that Baptist teaches this feature. Applicant respectfully disagrees.

Baptist discloses a system for controlling the sleeping or waking state of a mobile wireless station in a network based on a timer at the station started in response to an actual data transmission (e.g., messages to or from the station) that occurs at the mobile wireless station. See, e.g., Baptist, Abstract; col. 3, ll. 36-66. On the contrary, claim 1 recites controlling supply of power to the power supply at the terminal apparatus based on information about a **"distribution time period"** scheduled by a **"server apparatus"** in response to a request from the terminal apparatus. As such, the combination of the power conservation system of Baptist with the video on demand system of Nakamura, in any proper manner, still would not result in the system recited in claim 1. Accordingly, for these additional reasons, the combination of Nakamura and Baptist fails to disclose or render obvious the system recited in claim 1.

For at least the reasons discussed above, neither Nakamura nor Baptist, either alone or in combination, disclose or suggest the system of claim 1. As such, the Examiner has failed to establish a *prima facie* showing of obviousness in rejecting claim 1. Accordingly, the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn, and the claim allowed.

Independent claim 9, though of different scope from claim 1, similarly recites a terminal apparatus including a controller for "controlling the reception of the contents information file distributed by the server apparatus in a distribution time period

scheduled by the server apparatus, and for controlling the supply of power by the power supply based on information received from the server apparatus about the distribution time period.” Independent claim 25, though of different scope from claim 1, recites an information distribution method including, among other things, “scheduling, in the server apparatus, a distribution time period for the distribution over a communication line in accordance with the request signal and based on the deadline and a state of the communication line,” “transmitting information about the distribution time period from the server apparatus to the terminal apparatus,” and “controlling the supply of power for one or more portions of the terminal apparatus by starting the supply of power based on the transmitted information about the distribution time period.” Therefore, for reasons similar to those discussed above in connection with claim 1, neither Nakamura nor Baptist, either alone or in combination, disclose or render obvious the apparatus of claim 9 or the method of claim 25. As such, the rejections of claims 9 and 25 under 35 U.S.C. § 103(a) should be withdrawn, and the claims allowed.

Claims 6, 11-13, 17, and 30 depend from one of claims 1, 9, or 25, and are also rejected in view of Nakamura and Baptist. Therefore, for at least the same reasons discussed above in connection with claims 1, 9, and 25, the rejection of claims 6, 11-13, 17, and 30 should be withdrawn and the claims allowed.

Furthermore, with regard to dependent claims 3, 4, 15, 27, and 28 (rejected in view of Nakamura, Baptist, and Aitkenhead), and dependent claims 5, 7, 8, 14, 29, 31, and 32 (rejected in view of Nakamura, Baptist, and Abecassis), neither Aitkenhead nor Abecassis cure any of the deficiencies of Nakamura and Baptist discussed above in connection with the independent claims. Therefore, for at least the same reasons

discussed above in connection with independent claims 1, 9, and 25, the rejection of dependent claims 3-5, 7, 8, 14, 15, 27-29, 31, and 32 should also be withdrawn and the claims allowed.

In view of the above remarks, Applicant requests that the Examiner allow independent claims 1, 9, and 25, and dependent claims 3-8, 11-15, 17, and 27-32.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If a telephone interview will expedite issuance of this application, the Examiner is requested to call Applicant's representative whose name and registration number appear below, at 202-408-4138 to discuss any remaining issues.

Please grant any extensions of time required to enter this Reply and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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